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16

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**
19

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle
22 Kingsbury on behalf of themselves and all
others similarly situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

26 Defendant.
27
28

Case No.: 2:15-cv-01045-RFB-(PAL)

**ZUFFA, LLC'S REPLY IN SUPPORT
OF ITS MOTION TO SEAL
PLAINTIFFS' OPPOSITION TO
ZUFFA'S MOTION FOR SUMMARY
JUDGMENT (ECF NO. 596)**

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INTRODUCTION

In Zuffa, LLC's ("Zuffa") Motion to Seal Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment ("Opening Motion"), Zuffa publicly filed 25 documents that had been lodged under seal and filed a new public version of Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment ("MSJ Opposition"). After Zuffa's Opening Motion, the vast majority of Plaintiffs' 45-page MSJ Opposition and many of the exhibits associated with the MSJ Opposition are now publicly available in whole or in part. Concurrently with this Reply, Zuffa is filing several more documents publicly in whole or in part. The documents that remain under seal fall squarely within the categories of documents the Ninth Circuit has held meet the compelling reasons standard. Several of the documents, such as Zuffa's promotional agreements and many of the expert reports Zuffa seeks to seal, have already been filed under seal as part of Zuffa's motions to exclude certain of Plaintiffs' experts and Plaintiffs' motion for class certification. ECF No. 533. For the reasons below and as detailed in Zuffa's Opening Motion, ECF No. 602, Zuffa respectfully requests that the Court grant Zuffa's motion to seal Plaintiffs' MSJ Opposition.

ARGUMENT

I. Zuffa Properly Described The Documents It Seeks To File Under Seal And Has Explained Why Sealing Is Appropriate Under The Compelling Reasons Standard For Each And Every Document

In its opening motion to seal ("Opening Mot."), Zuffa provided lengthy and detailed explanations regarding why compelling reasons exist to seal all of the documents or portions thereof that Zuffa sought to file under seal. ECF No. 596.¹ Zuffa has provided a significant amount of evidence from actual participants in the MMA market, all of whom emphasize the importance of the significant competitive harm and harm to third parties that would occur if the information Zuffa seeks to seal was disclosed publicly. Rather than directly addressing the relevant case law, Zuffa's specific descriptions, and Zuffa's unrebutted evidence regarding the competitive harm that will result from the public disclosure of the documents Zuffa seeks to seal,

¹ Zuffa has consistently provided detailed and specific justifications for sealing documents under the compelling reasons standard. *E.g.*, ECF Nos. 557, 565, 580, 589, 565 (collectively, "Previous Motions to Seal").

1 Plaintiffs instead make irrelevant arguments attempting to bolster the strength of their substantive
 2 claims and engage in fact-free speculation regarding whether public release of the information
 3 would result in competitive harm to Zuffa and third parties.

4 A. Zuffa Has Provided Substantial Evidence Of The Competitive Harm That Will Result
 5 From Release Of The Information Zuffa Seeks To File Under Seal

6 Zuffa diligently collected and identified evidence regarding the competitive harm that
 7 would result from disclosure of the information Zuffa seeks to file under seal. In its Opening
 8 Motion, Zuffa identified detailed, centrally relevant, and first-hand knowledge from several
 9 sources, including from Zuffa's largest competitor, Bellator, regarding the "grave" competitive
 10 harm that would befall Zuffa if the documents Zuffa seeks to seal are disclosed publicly. First,
 11 Chief Legal Officer and Executive Vice-President, Wm. Hunter Campbell described Zuffa's
 12 confidentiality practices, the importance of confidentiality in negotiations with athletes, and the
 13 competitive significance of its confidential information. Opening Mot. at 8-12, 15. Mr.
 14 Campbell provided detailed facts from his personal knowledge and experience regarding the
 15 confidentiality of the documents at issue and the competitive harm that would result if those
 16 documents were released publicly.² ECF No. 565-3 ¶¶ 1, 3-8. Second, Zuffa also described the
 17 detailed first-hand knowledge of MMA manager Ali Abdelaziz regarding confidentiality and the
 18 harm that would result to MMA athletes from release of certain of the documents Zuffa seeks to
 19 file under seal. Opening Mot. at 11 (citing ECF No. 589-1 ¶¶ 4-5). Third, Zuffa cited to the
 20 detailed statements made by Bellator's outside counsel, Opening Mot. 10, 13, 16, and the sworn
 21 declaration of Bellator's President, Scott Coker, who has "thirty-one years of experience in
 22 promoting professional martial arts," and who described the "grave harm to Bellator" that would
 23 result from the production of executive and draft versions of Bellator's contracts with MMA

24 ² In another case in this District, Magistrate Judge Hoffman recently found that one of Zuffa's
 25 promotional agreements was properly sealed under the compelling reasons standard. ECF No.
 26 579 (Zuffa's Response to Plaintiffs' Notice of Supplemental Authority). No court has ever
 27 rejected Zuffa's motion to seal its promotional agreements with its athletes. Plaintiffs make no
 28 substantive attempt to argue why promotional agreements and information from those agreements
 should not be sealed in light of this Court's finding that compelling reasons exist to seal a
 promotional agreement from 2004. ECF No. 495 (sealing Ex. D).

athletes as well as documents related to the “negotiation, termination, cancellation, or transfer” of any such contracts in addition to a wide variety of other confidential Bellator documents. Opening Mot. 10, 16; *Le v. Zuffa*, 17-cv-00849-RFB-PAL, ECF No. 1-3 (Decl. of Bellator President Scott Coker at ¶¶ 8-20) (“Coker Decl.”).

Plaintiffs offer up no evidence or declarations in response to Zuffa’s evidence, despite having been aware of the sworn declarations and other statements from various participants in the MMA market for several months or longer.³ In their Opposition to Zuffa’s Opening Motion (“Plaintiffs’ Sealing Opposition” or “Sealing Opp.”), ECF No. 604, Plaintiffs do not provide a single declaration from any MMA market participant—managers, promoters, athletes, the named Plaintiffs, or anyone else—that contradict or in any way undermine the statements Zuffa identified regarding confidentiality and competitive harm.

B. Zuffa Has Narrowly Tailored Its Sealing Requests And Provided Detailed Explanations Of Why Sealing Is Appropriate For Each Document

Zuffa has provided detailed descriptions about why each document it seeks to seal is properly filed under seal in its Opening Motion and in Previous Motions to Seal. In its motions to seal—including motions this Court has granted, ECF No. 533—Zuffa has, for the Court’s convenience, used tables describing the types of materials Zuffa sought to file under seal, *e.g.*, ECF No. 527, or used categories to organize the type of information that should be filed under seal, *e.g.*, ECF No. 525. In its Opening Motion, Zuffa organizes information into tables for the Court’s convenience and describes the importance of confidentiality for each document listed in addition to the competitive harm that would result if the documents were publicly disclosed in the table and in the Motion itself.

Rather than directly engage with Zuffa’s detailed justifications for sealing documents, Plaintiffs repeat boilerplate statements such as “[d]oes not contain commercially sensitive

³ Plaintiffs have been aware of Mr. Coker’s declaration since February 18, 2017. Coker Decl. at 7. They have been aware of the statements to this Court by Bellator’s counsel since June 1, 2017. ECF No. 438, June 1, 2017 Hearing Tr. 39:11-15. Plaintiffs have been aware of Mr. Campbell’s declaration since June 26, 2018. ECF No. 565-3. They have been aware of the declaration of MMA manager Ali Abdelaziz since August 20, 2018. ECF No. 589-1.

1 information,” but fail to explain how or why that statement applies to the challenged document
2 and fail to rebut the substantial evidence Zuffa has provided showing why release of documents
3 would cause competitive harm. For example, in discussing Exhibit 46 to the MSJ Opposition,
4 which Zuffa publicly filed with very limited redactions for personally identifiable information,
5 Plaintiffs claim the publicly filed exhibit “[d]oes not contain commercially sensitive information.
6 Zuffa has not shown how they [*sic*] could be harmed by disclosure” and “[t]he information
7 referenced in this document is too old to hold any competitive value.” Decl. of Kevin E. Rayhill
8 in Supp. Of Plaintiffs’ Opp. To Defendant Zuffa’s Opening Motion (“Rayhill Decl.”), Ex. 1, ECF
9 No. 604-2 at 35. In fact, Zuffa unsealed *all* substantive information in the document—including
10 the highlighted information on which Plaintiffs rely—and redacted only Zuffa employee e-mail
11 addresses and telephone numbers. ECF No. 602-5.

12 In another example, Plaintiffs assert that Exhibit 137 to the MSJ Opposition, which is a
13 detailed confidential auditing statement from the years ending in December 31, 2012 and 2013
14 “[d]oes not contain commercially sensitive information. Zuffa has not shown how they [*sic*]
15 could be harmed by disclosure” and “[t]he information referenced in this document is too old to
16 hold any competitive value.” Rayhill Decl., Ex. 1 at 16. These speculative boilerplate statements
17 are puzzling. Exhibit 117, which Zuffa specifically identified as containing financial information
18 including “highly confidential internal valuation” information, Opening Mot. 4, contains detailed
19 information regarding Zuffa financial information that has not been released publicly. Plaintiffs
20 make no effort to engage with the detailed descriptions of: Zuffa’s efforts to keep this
21 information highly confidential, *id.* at 12; the competitive harm that this information would cause
22 Zuffa if disclosed publicly, as Scott Coker, the President of Zuffa’s rival Bellator, affirmed would
23 befall Bellator in the MMA market if similar financial information were released, *id.* at 12-13; or
24 the many cases, including a Federal Circuit case applying Ninth Circuit law that Zuffa cites
25 supporting its position that this type of trade secret information is properly filed under seal, *id.* at
26 12-14. The Court should not credit Plaintiffs’ boilerplate arguments where, as here, Zuffa has
27 specifically identified the contents of the documents it seeks to seal and provided detailed
28

1 evidentiary proof of competitive harm that would follow from public disclosure of those
2 documents.

3 In seeking to ensure that its sealing requests were narrowly tailored, counsel for Zuffa
4 reviewed the 45 pages of the MSJ opposition and the over 100 exhibits filed under seal in whole
5 or in part and redacted or publicly filed in full 25 exhibits and removed several redactions from
6 the MSJ opposition. As explained above, Zuffa has provided ample un rebutted evidence from
7 multiple sources—including competitors—of the competitive harm that would result from public
8 release of the information Zuffa seeks to file under seal. Zuffa’s requests are narrowly tailored
9 and, as explained at length in its Opening Motion, the documents remaining under seal are
10 properly sealed under the compelling reasons standard.

11 II. The Documents Discussed In The Opposition Are Properly Filed Under Seal

12 With the minor exceptions listed below,⁴ the documents Plaintiffs discuss in their
13 Opposition are properly filed under seal under the compelling reasons standard. In attempting to
14 justify unsealing nearly all of the documents at issue, Plaintiffs offer only cursory argument
15 regarding why the documents should be unsealed.

16 A. Plaintiffs Incorrectly Claim That The Documents At Issue Do Not Contain 17 Commercially Sensitive And Highly Confidential Internal Strategy Information That 18 Is Properly Filed Under Seal

19 As to the documents Plaintiffs claim do not contain commercially sensitive information,
20 Zuffa is concurrently filing new public versions of several of these exhibits, but believes that
21 sealing is appropriate as to the remaining redactions and documents filed under seal. Sealing is
22 appropriate under the compelling reasons standard because, in addition to the detailed

23
24 ⁴ Zuffa is concurrently filing a public version of Exhibit 37 to the MSJ Opposition that removes
25 the redaction of the public statement from Bjorn Rebney that Plaintiffs identify in their opposition
26 to the Opening Motion and is also filing Exhibits 62 and 94 to the MSJ Opposition with fewer
27 redactions. Decl. of Stacey K. Grigsby in Supp. Of Zuffa’s Reply in Supp. of Its Opening Mot.
28 (“Grigsby Decl.”) ¶ 14 & Exs. 37, 62, 94. Zuffa believes that for the reasons stated in this Reply
and in Zuffa’s Opening Motion, the remainder of those exhibits is properly redacted. Zuffa also
is concurrently publicly filing an unredacted version of Exhibit 67 of the MSJ Opposition. *Id.* ¶
14 & Ex. 67.

1 explanations given in the Opening Motion and elsewhere in this Reply: Exhibit 29 contains, as
 2 cited in Plaintiffs' Sealing Opposition, a detailed discussion of contractual clauses and strategy,
 3 information that is properly filed under seal. *See, e.g., Icon-IP Pty Ltd. v. Specialized Bicycle*
 4 *Components, Inc.*, No. 12-CV-03844-JST, 2015 WL 984121, at *3 (N.D. Cal. Mar. 4, 2015)
 5 (sealing under the compelling reasons standard is appropriate where disclosure of the terms of
 6 agreements would put one party at "a disadvantage in future negotiations for similar
 7 agreements"); *Stout v. Hartford Life & Acc. Ins. Co.*, No. CV 11-6186 CW, 2012 WL 6025770, at
 8 *2 (N.D. Cal. Dec. 4, 2012) (sealing service agreements under the compelling reasons standard
 9 between a party and third party where "competitors could use this information to adjust their own
 10 contracts," thereby undermining a party's "ability to compete"). Exhibit 62 is a discussion
 11 between Zuffa's then-Assistant General Counsel, Michael Mersch, and representatives of a public
 12 relations and advocacy consulting group, Dewey Square, then under contract with Zuffa,
 13 discussing internal Zuffa information regarding a potential strategy for contracting with certain
 14 athletes.⁵ Exhibit 94 is an internal Zuffa email that contains draft potential talking points,
 15 including a discussion about Zuffa's internal financial analysis. For the reasons provided above
 16 and in Zuffa's Opening Motion several redactions in these documents are properly filed under
 17 seal under the compelling reasons standard. Opening Mot. 12-13. Zuffa is concurrently filing
 18 redacted public versions of both of these documents.

19 Finally, as discussed at length in Zuffa's Opening Motion, wage share information and
 20 revenue trends from Zuffa and third parties and the detailed results and analysis of that
 21 information—which is the exact information on which Dr. Singer's regression is based,
 22 disclosure of which would publicly disclose Zuffa's confidential revenue trends and strategic
 23 spending decisions—are properly filed under seal. Opening Mot. 13-14. This information is also
 24 properly sealed as a "compilation of information about the volume of business" a company does
 25 over a specific time period. *Del Campo v. Am. Corrective Consulting Servs., Inc.*, No. C-01-
 26 2115JWPVT, 2007 WL 902568, at *5 (N.D. Cal. Mar. 22, 2007) (citing *Walker v. University*

27 ⁵ At the time of the email in Exhibit 62, Zuffa had contracted with the consulting firm, Dewey
 28 Square, to provide public affairs and advocacy support. *See* Grigsby Decl. Exs. L & M.

1 *Books, Inc.*, 602 F.2d 859, 865 n.2 (9th Cir. 1979)); *see also* ECF No. 589 at 5-7 (providing a
 2 detailed explanation of why Zuffa's wage share and related financial information is properly filed
 3 under seal under the compelling reasons standard); ECF No. 565 at 4-7 (same). The regression
 4 information Zuffa seeks to seal—which does not include the total amount of damages Plaintiffs
 5 seek—discusses information which, if publicly disclosed, would result in the disclosure of highly
 6 confidential revenue trends, strategic spending and investment decisions, and other highly
 7 confidential trade secret information from Zuffa and third parties.

8 B. The Documents Plaintiffs Seek To Unseal Do Not Contain Information That Is Public
 9 Knowledge

10 Exhibit 12 is testimony from Zuffa's designated 30(b)(6) witness about Zuffa's contracts
 11 and the legal effect of terms from those contracts, which this Court has already held meets the
 12 compelling reasons standard. ECF Nos. 495, 504. This type of propriety contractual information
 13 is trade secret information that is properly filed under seal under the compelling reasons standard.
 14 *Clark v. Bunker*, 453 F.2d 1006, 1008-09 (9th Cir. 1972); *Selling Source, LLC v. Red River*
 15 *Ventures, LLC*, No. 2:09-cv-01491-JCM-GWF, 2011 WL 1630338, at *6 (D. Nev. Apr. 29,
 16 2011); *In re ConAgra Foods, Inc.*, No. CV 11-05379-MMM (AGRx), 2014 WL 12577133, at *4
 17 (C.D. Cal. Dec. 29, 2014); *see also* ECF No. 589 at 4-5 (explaining that compelling reasons exist
 18 to seal trade secret information regarding Zuffa's contracts and testimony regarding clauses in
 19 those propriety contracts). Other than the publicly available statement by Bjorn Rebney, Exhibit
 20 37 is properly redacted.⁶

21 Exhibits 100 and 101 were designated confidential by a third party and contain Zuffa's
 22 confidential financial and business strategy information. Plaintiffs provide no actual evidence
 23 that the memorandum is available publicly—*e.g.*, by attaching a publicly available copy of the
 24 2007 Memorandum.⁷ For the reasons stated in Zuffa's Opening Motion, Opening Mot. 12-14,

25 _____
 26 ⁶ During the deposition of Scott Coker, counsel for Mr. Coker designated the entirety of the
 transcript highly confidential. Grigsby Decl. Ex. N at 44:21-24.

27 ⁷ As to Exhibit 101, Plaintiffs cite to a statement by John S. Nash stating that the document is
 28 "available to several members of the media, including myself." Sealing Opp. at 12. However,
 Plaintiffs fail to point to any examples of a public version of the memorandum itself.

1 and the importance of protecting confidential non-party information, Exhibits 100 and 101 are
2 properly filed under seal.

3 C. Plaintiffs' Argument That Certain Documents Are Too Old To Contain Trade Secrets
4 Is Contrary To Law And Ignores Relevant Facts

5 The documents that Zuffa seeks to file under seal contain information that is still
6 commercially and competitively relevant. In arguing that certain documents are too old to
7 contain trade secrets, Plaintiffs provide no way for Zuffa or the Court to know what "too old"
8 means. For example, in their Sealing Opposition, they identify documents from the Class Period,
9 2011 and 2013, which they claim on one had are relevant to their claims but on the other are too
10 old to hold any value. Sealing Opp. 13-14. This arbitrary and scattershot approach ignores the
11 facts and relevant case law.

12 First, Plaintiffs' have issued discovery requests that treat documents from January 1, 2006
13 to the present as relevant to this case, which is about market facts, competitors, and competition.
14 Plaintiffs' subpoena to Bellator requested documents January 1, 2006 to the present in addition to
15 information from documents created or generated before that time period but which contain
16 information concerning that time period. *Le v. Zuffa*, 17-cv-00849-RFB-PAL, ECF No. 1-1 at 81
17 (Ex. B at 11). As Bellator's counsel told this Court at a hearing on Bellator's motion to quash to
18 modify the parties' subpoenas to Bellator, the information requested in the parties' subpoenas—
19 including negotiations, athlete contracting and strategy, and other highly sensitive information—
20 is very sensitive information and public disclosure of the information would cause Bellator
21 competitive harm. *See, e.g.*, ECF No. 438, June 1, 2017 Hearing Tr. 39:11-15. All of the
22 documents Plaintiffs claim are "too old" to contain trade secrets are dated after January 1, 2006.
23 Sealing Opp. 13-14.

24 Second, Plaintiffs' arguments regarding documents that are "too old" are contrary to
25 relevant case law. Depending on the nature of change and trends in the marketplace, the trade
26 secret and highly confidential information Plaintiffs seek to unseal may not become "too stale to
27 be protected" merely because the information is several years old. *Del Campo*, 2007 WL 902568,
28

at *5; *ConAgra Foods*, 2014 WL 12577133, at *4 (“Even if the information pertains to vehicles sold more than five years ago, the Court has no reason to believe that pricing methods or the information considered pertinent to pricing strategies has since changed”). Plaintiffs clearly believe that information as old as January 1, 2006—in addition to any older information relevant to the time period beginning on that date—is relevant to commercial and competition issues in this case. Their unprincipled protestations to the contrary should not be credited.

III. Plaintiffs’ Recycled Arguments Regarding The Interests of The Public, Class Members, And The Named Plaintiffs Are Without Merit

Without citing to any declarations, statements, or any other type of evidence, Plaintiffs again assert that the interests of the named Plaintiffs, class members, and the public require that their laundry list of Zuffa documents and documents marked third party confidential be filed publicly. The Supreme Court has explained that the “right to inspect and copy judicial records is not absolute,” and access is properly denied where court files would serve “as sources of business information that might harm a litigant’s competitive standing.” *Nixon v. Warner Comms.*, 435 U.S. 589, 598 (1978) (citations omitted). As demonstrated above, Zuffa has shown—through evidence in the forms of sworn declarations and statements by a competitor’s counsel—that public disclosure of the court files at issue would harm Zuffa’s competitive standing. Zuffa has “articulate[d] compelling reasons supported by specific factual findings” that the materials at issue should be kept under seal because those compelling reasons “outweigh the general history of access.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (citations omitted). In determining whether court materials should be sealed, “the court must ‘conscientiously balance[] the competing interests’ of the public and the party who seeks to keep certain judicial records secret.” *Id.* at 1179 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)).

1 The public, the news media, the named Plaintiffs, and members of the putative class⁸
 2 already have access to a wealth of documents, records, and information to aid their understanding
 3 of the judicial process and this case. The Parties have submitted more than 600 filings in this
 4 case, and the majority of the materials involved in those filings have been filed publicly in whole
 5 or in part. Zuffa has unsealed and filed unredacted versions of 29 new documents related to this
 6 motion alone. All of these materials have fed the public's interest in access and supplemented
 7 their understanding of the judicial process, which is the goal of access to judicial records. *Id.* at
 8 1179 (citing *Valley Broadcasting Co. v. U.S. Dist. Court for Dist. Of Nevada*, 798 F.2d 1289,
 9 1294 (9th Cir. 1986)).

10 There is no question that the public and news media have engaged in robust discussion
 11 and debate about the merits of this case.⁹ Many news articles about this case—many of which are
 12 critical of Zuffa and its filings in this case—cite directly to publicly available court records.¹⁰ In

13
 14 ⁸ Plaintiffs and their counsel are free to discuss their views and opinions—as informed by the
 15 significant amount of information filed publicly in the pleadings, including the claims, the
 16 strength and weakness of each party's claims, and the expert methodologies and categories of
 17 proof to be used—with those putative class members. Plaintiffs provide no evidence—through
 declarations or otherwise—that any putative class member does not have enough information
 about this lawsuit.

18 ⁹ *E.g.*, Grigsby Decl. Ex. C, Paul Gift, UFC Files For Summary Judgment In Class-Action
 19 Antitrust Lawsuit, *Forbes* (Jul. 31, 2018) (article of nearly 1,000 words analyzing Zuffa's motion
 20 for summary judgment); Grigsby Decl. Ex. B, Paul Gift, Antitrust Suit: Fighters File For Class
 21 Certification, UFC Wants 'Junk Science' Excluded, *Forbes* (Feb. 17, 2018) (article of over 1,500
 22 words summarizing and evaluating Plaintiffs' class claims); Grigsby Decl. Ex. E, John S. Nash
 23 (@heynottheface), Twitter (Sep. 21, 2018, 8:52 PM), ("Filing today in the antitrust suit –
 24 PLAINTIFFS' JUDGMENT OPPOSITION TO ZUFFA'S MOTION FOR SUMMARY
 25 JUDGMENT. Reading it now and I'll post anything that stands out."); Grigsby Decl. Ex. F, Paul
 26 Gift (@MMAanalytics), Twitter (Sep. 24, 2018, 10:42 AM), (linking to Gift's *Forbes* article
 27 about Plaintiffs' Opposition to Summary Judgment and questioning "How is it possible the
 28 fighter expert witness in the #UFC lawsuit believes there's been a REDUCTION in output of
 #MMA events since 2010?"); Grigsby Decl. Ex. K, John S. Nash (@heynottheface), Twitter (Oct.
 4, 2018, 10:13 AM), (linking to all of Bloody Elbow's 65 posts about the Zuffa class action suit).

¹⁰ *E.g.*, Grigsby Decl. Ex. G, Harry Davies, Dana White slams Scott Coker in lawsuit deposition:
 All his promotions have been 'failures,' Bloody Elbow (Oct. 1, 2018), (quoting from UFC
 president Dana White's deposition in this case); Grigsby Decl. Ex. D, Anton Tabuena, UFC
 Lawsuit: Kidnapping, extortion? Manager gives bizarre reasoning to keep fighter pay private,
 Bloody Elbow (Aug. 22, 2018), (quoting from the Declaration of Ali Abdelaziz and criticizing
 Mr. Abdelaziz's reasoning as "perplexing" and "bizarre," among other critical comments).

1 addition, the public debate regarding this case shows that Zuffa is not selectively withholding
 2 documents to prevent “embarrassment, incrimination” or critical views of Zuffa’s conduct. In
 3 response to publicly available documents in this case, including several Zuffa filed publicly
 4 concurrently with its Opening Motion, members of the public called Zuffa a “monopolist” and
 5 “ruthless,” decried its alleged “long history of being monstrous,” and explained that the document
 6 “has relevance” to an antitrust lawsuit. Grigsby Decl. Ex. H, John S. Nash (@heynottheface),
 7 Twitter (Oct. 3, 2018, 5:12 PM); *id.* Ex. H (posting unsealed 2014 email from Victor Cui
 8 regarding “ONE Fighting Championship,” which resulted in a “[y]ikes” comment, among others);
 9 *id.* Ex. J, Paul Gift (@MMAanalytics), Twitter (Oct. 3, 2018, 7:08 PM) (posting the same 2014
 10 Cui email, which resulted in one commenter stating that “[t]he UFC claims they’re a competitor,
 11 this shows One FC has no intention of competing with the UFC”). There is no question that
 12 members of the public, the media, the named Plaintiffs, and putative class members have a
 13 substantial amount of information about this case and have commented—directly, sharply, and at
 14 length—about the publicly available materials.

15 IV. Plaintiffs’ Request For The Court To Unseal The Types Of Documents Already Held
 16 To Be Properly Filed Under Seal Should Be Rejected

17 Once again, Plaintiffs claim that the Court’s prior rulings should be revisited and revised
 18 because the Protective Order permits them to challenge confidential designations at any time.
 19 Sealing Opp. at 7. But Zuffa is not arguing that untimeliness bars Plaintiffs from challenging
 20 Zuffa’s confidentiality designations. With the benefit of briefing on this issue and where
 21 Plaintiffs had the opportunity to make the lengthy arguments they have made here, this Court has
 22 already held that Zuffa’s athlete agreements meet the compelling reasons standard for sealing.
 23 ECF Nos. 495, 504. For the other types of documents, Zuffa has shown above and in its Opening
 24 Motion that the documents are properly sealed under the compelling reasons standard.

25 Alternatively, Plaintiffs argue that their arguments are “based on a more fully developed
 26 record” and are therefore timely and proper. As explained above, Plaintiffs have long had actual
 27 knowledge of Zuffa’s arguments and the facts relevant to those arguments from sworn
 28

1 declarations, statements from Bellator's counsel, and other sources. In their Sealing Opposition,
 2 Plaintiffs do not identify what new evidence they rely upon to make their supposedly new
 3 arguments. This is telling. As explained above, Zuffa has provided evidence regarding the
 4 importance of confidentiality regarding the documents at issue and the competitive harm that
 5 would result if the documents were released publicly while Plaintiffs have provided no contrary
 6 evidence. Plaintiffs' arguments are without merit.

7 **CONCLUSION**

8 Zuffa respectfully requests that the Court grant Zuffa's motion to seal.

9 Dated: October 24, 2018

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Zuffa, LLC's Reply in Support of Its Motion to Seal Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment (ECF No. 596) was served on October 24, 2018 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Roderick J. Crawford

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